

**REMARKS**

Reconsideration and allowance of this application are respectfully requested. Claim 7 is cancelled, and claims 14-15 are added. Claims 1-6, and 8-13 remain in the application as amended herein. Accordingly, claims 1-6, and 8-15 are submitted for the Examiner's reconsideration.

In the Office Action, claims 1-13 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Yoshiura (U.S. Patent No. 6,131,162) in view of Iida (U.S. Patent No. 6,209,787). Claim 7 is cancelled. Applicants submit that the remaining claims are patentably distinguishable over the cited references.

Claim 1, for example, defines an information processing apparatus for carrying out secure transmission of content to another apparatus over a network, and includes:

a transmitting unit operable to transmit a decryption key to the another apparatus when the authentication information is valid and *a count of a total number of apparatuses having permission to receive the encrypted content is less than a maximum value*, the decryption key being needed to decrypt the encrypted content[.] (Emphasis added.)

The cited references do not disclose or suggest transmitting a decryption key when a count of a total number of apparatus having permission to receive the encrypted content is less than a maximum value. Yoshiura, as acknowledged by the Examiner, does not disclose incrementing a counter of allowed receivers and, in fact, the sections of Yoshiura that are cited by the Examiner are not at all concerned with counting the total number of apparatuses having permission to receive encrypted content. Further, the cited sections of Iida describe counting the number of times that a musical composition is used. The cited sections of the patent are not at all concerned with counting a total number of apparatuses and are not at all concerned with a maximum value of the count.

Claim 1 also calls for:

a first counting unit operable to increment by one the count of the total number of apparatuses having permission to receive the encrypted content when the identification information of the another apparatus is not already stored in said storage unit and the count of the total number of apparatuses having permission to receive the encrypted content is less than the maximum value[.] (Emphasis added.)

As acknowledged by the Examiner, Yoshiura does not disclose or suggest incrementing a counter of allowed receivers. Also, as described above, Iida is not concerned with the total number of apparatuses having permission to receive the encrypted content and is not concerned with the maximum value of the count. Therefore, neither Yoshiura nor Iida discloses or suggests incrementing by one the count of the total number of apparatuses having permission to receive the encrypted content, and neither Yoshiura nor Iida discloses or suggests carrying out such incrementing when the count of the total number of apparatuses having permission to receive the encrypted content is less than a maximum value.

Additionally, for the reasons described in the November 23, 2005 Amendment, neither Yoshiura nor Iida discloses or suggests the authentication unit defined in claim 1. Moreover, the sections of Yoshiura that are cited in the present Office Action likewise do not disclose or suggest this feature. Applicants also traverse the Examiner's assertion that the claimed authentication unit is conventional and well known as the Examiner draws support for this contention only from the present application and therefore appears to have relied on hindsight improperly derived from the present application.

It follows that neither the cited sections of Yoshiura nor those of Iida, whether taken alone or in combination, discloses or suggests the apparatus defined in claim 1, and therefore claim 1 is patentably distinct and unobvious over the cited references.

Claims 2-3, and 12 depend from claim 1 and are therefore distinguishable over the cited art for at least the same reasons.

As to claim 2, for the reasons described above regarding claim 1, neither the cited sections of Yoshiura nor Iida is concerned with counting the total number of apparatuses having permission to receive encrypted content, and none of these sections is concerned with the maximum value of the count. It follows that the cited sections of the references do not disclose or suggest:

a second counting unit operable to increment the count of the total number of apparatuses having permission to receive the encrypted content by the first value when (i) the sum of the first value and the count of the total number of apparatuses having permission to receive the encrypted content is at most equal to the maximum value and (ii) the identification information of the another apparatus is already stored in said storage unit,

said second counting unit being operable to increment the count of the total number of apparatuses having permission to receive the encrypted content to receive the encrypted content by the second value when (i) the sum of the second value and the count of the total number of apparatuses having permission to receive the encrypted content is at most equal to the maximum value and (ii) the identification information of the another apparatus is not already stored in said storage unit.

Independent claim 4 defines a method for carrying out secured transmission of content that includes steps having limitations similar to those defined in claim 1, and independent claim 5 relates to a computer-readable medium on which computer program instructions for executing the method of claim 4 are recorded. Therefore, claims 4 and 5 are unobvious over the cited references for at least the same reasons.

Independent claim 6 defines an information processing apparatus which includes a second transmitting unit having limitations similar to the transmitting unit defined in claim 1 and includes a first counting unit having limitations similar to

those set out in the first counting unit of claim 1. Claim 6 is therefore patentably distinguishable over Yoshiura and Iida for at least the reasons set out above regarding claim 1.

Claims 8-9, and 13 depend from claim 6 and are also distinguishable over the cited art for at least the same reasons.

Independent claim 10 is directed to a method that includes steps having limitations similar to those set out in claim 4, and independent claim 11 relates to a computer-readable medium on which is recorded computer program instructions for executing the method set out in claim 10. Claims 10 and 11 are therefore distinguishable over the cited art for at least the same reasons.

Applicants therefore respectfully request the withdrawal of the rejection under 35 U.S.C. § 103(a).

New claim 14 depends from claim 4 and new claim 15 depends from claim 5. Therefore, new claims 14 and 15 are distinguishable over the cited art for at least the same reasons.

New claims 14 and 15 also include limitations similar to those recited in claim 2 and are similarly supported.

As it is believed that all of the rejections set forth in the Official Action have been fully met, favorable reconsideration and allowance are earnestly solicited. If, however, for any reason the Examiner does not believe that such action can be taken at this time, it is respectfully requested that the Examiner telephone applicant's attorney at (908) 654-5000 in order to overcome any additional objections which the Examiner might have.

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If there are any additional charges in connection with this requested amendment, the Examiner is authorized to charge Deposit Account No. 12-1095 therefor.

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Respectfully submitted,

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